	ase 5.06-cv-00910-Rivivy Document 11	Filed 04/23/2006 Page 1 of 1		
1	CONSUMER LAW CENTER, ÍNC. 12 South First Street, Suite 1014 San Jose, California 95113-2418			
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4	Email Address: fred.schwinn@sjconsumerlaw.com			
5	Attorney for Plaintiff BETTY JEAN NAPIER			
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8 9	IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION			
10	BETTY JEAN NAPIER,	Case No. C08-00910-RS		
11	Plaintiff,			
12	v.	REQUEST FOR ENTRY OF DEFAULT AGAINST DEFENDANT,		
13	TITAN MANAGEMENT SERVICES, LLC,	FREDERICK ALLEN HOWARD		
14	a Georgia limited liability company, and FREDERICK ALLEN HOWARD, individually and in his official capacity,			
15	Defendants.			
16				
17	TO: CLERK OF THE DISTRICT COURT:			
18	Please enter a default in this matter again	st Defendant, FREDERICK ALLEN HOWARD,		
19	on the ground that said party has failed to plead or otherwise defend this action within the time			
20	prescribed by the Federal Rules of Civil Procedure. Specific facts supporting the entry of defaul			
21	are set forth in the accompanying declaration of counsel.			
22				
23		CONSUMER LAW CENTER, INC.		
24	Dated: April 23, 2008	By: /s/ Fred W. Schwinn Fred W. Schwinn, Esq.		
25		Attorney for Plaintiff BETTY JEAN NAPIER		
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	il			

С	ase 5:08-cv-00910-RMW	Document 11-2	Filed 04/23/2008	Page 1 of 2
1 2 3 4 5 6 7 8		ER, ÍNC. 1014 -2418 94-6100 94-6190 n@sjconsumerlaw.c HE UNITED STAT	OM TES DISTRICT COU ISTRICT OF CALIFO DIVISION	
10	BETTY JEAN NAPIER,		Case No. C08-009	010_RS
11	DETTI JEMIN IVALIEN,	Plaintiff,	Case 110. C00-00.	710-KS
12	v.	i idilitiii,		OF COUNSEL IN NTRY OF DEFAULT
13 14 15	TITAN MANAGEMENT a Georgia limited liability FREDERICK ALLEN HO individually and in his offi	company, and WARD,	AGAINST DEFE FREDERICK AI [Fed. R. Civ. P. 55	NDANT, LEN HOWARD
16		Defendants.		
17	FRED W SCHWIN	N hereby declares i	ınder penalty of periur	y, pursuant to 28 U.S.C. §
18		•		y, parsuant to 20 c.s.c. 3
19	1746, that the following statements are true and correct: 1. I am an attorney and counselor at law, duly admitted to practice before this			tted to practice before this
20	Court, and the counsel of record for Plaintiff. In my capacity as the counsel of record for Plaintiff			
21	I have personal knowledge of the matters stated in this declaration.			
22	2. I hereby make application to the Clerk of this Court for entry of default as to			
23	Defendant, FREDERICK ALLEN HOWARD, pursuant to Rule 55(a), Federal Rules of Civil			
24	Procedure, and in support of this application do show that:			
25	a.	Defendant was su	ubstitute served by Ce	ertified Mail with Return
26		Receipt, with cop	oies of Plaintiff's Sum	amons and Complaint, as
27		authorized by Cal.	Civil Procedure Code	§ 415.40 and Rule 4(c)(1),
28		Federal Rules of C	Civil Procedure;	
	DECLARATION OF COUNSEL	-	1 -	Case No. C08-00910-RS

С	ase 5:08-cv-00910-RMW	Document 11-2 Filed 04/23/2008 Page 2 of 2
1	b.	Upon Plaintiff's information and belief, Defendant, being an
2		individual with his principal place of business in Duluth, Georgia, is
3		neither an infant nor an incompetent person requiring special service
4		in accordance with Rule 4(g), Federal Rules of Civil Procedure, and
5		is not serving with the armed forces of the United States entitled to
6		the protection of 50 U.S.C. § 520;
7	c.	Defendant has neither answered nor otherwise responded formally to
8		the Plaintiffs's Summons and Complaint, and the time to do so, as
9		provided in Rule 12(a), Federal Rules of Civil Procedure, has
10		expired;
11	d.	Copies of this Declaration and the Request for Entry of Default,
12		seeking entry of default, which are being filed herewith, have this
13		date been served upon Defendant by regular mail, postage prepaid.
14	Executed on April 23	3, 2008, at San Jose, California.
15		/s/ Fred W. Schwinn Fred W. Schwinn, Esq.
16		Attorney for Plaintiff BETTY JEAN NAPIER
17		DETTI JEAN NAFIER
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	DECLARATION OF COUNSEL	- 2 - Case No. C08-00910-RS

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8 9	IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION			
10	BETTY JEAN NAPIER,		Case No. C08-009	910-RS
11		Plaintiff,		
12	v.		DEFENDANT, F	AULT AGAINST REDERICK ALLEN
13	TITAN MANAGEMENT SERVICES, LLC,		HOWARD	
14	a Georgia limited liability FREDERICK ALLEN HO individually and in his offi	WARD,		
15	individually and in his offi	Defendants.		
1617	It appears from the r		ing defendent feiled to	pland or otherwise
18	defend in this case as requir		ving defendant failed to	plead of otherwise
19	defend in this case as requir	ca by law.		
20	Name: FREDERICK ALLEN HOWARD			
21				
22	Therefore, default is entered against the defendant as authorized by Fed R. Civ. P. 55(a).			
23				
24			Clerk of the Court	
25			CICIR OF THE COURT	
26	Date		By:	
27			r J =	
28				
	ENTRY OF DEFAULT			Case No. C08-00910-RS

С	ase 5:08-cv-00910-RMW	Document 11-4	Filed 04/23/2008	Page 2 of 2
1	addressed as follows:			
2	<u>DEFENDANT:</u>		DEFENDANT:	
3	Frederick Allen Howard Titan Management Service 2160 Satellite Boulevard, S	s, LLC	Frederick Allen Howa 10665 Nellie Brook Co	ourt C
4	2160 Satellite Boulevard, S Duluth, GA 30097-4074	Suite 350	Duluth, GA 30097-19	001
5				
6	I declare under penalty of perjury that the foregoing is true and correct and that this			
7	declaration was executed at	San Jose, California	a on April 23, 2008.	
8			/s/ Fred W. Schwin	nn
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	CERTIFICATE OF SERVICE BY		-2-	Case No. C08-00910-RS